

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

CASE NO.: 1:23-cv-1676

SHOICHI MATSUMOTO,

Plaintiff,

v.

JIN28 CS INC.,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff SHOICHI MATSUMOTO by and through his undersigned counsel, brings this Complaint against Defendant JIN28 CS INC. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff SHOICHI MATSUMOTO (“Matsumoto”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Matsumoto's original copyrighted Work of authorship.

2. Matsumoto is a private chef, TV host, food consultant and photographer, who prepares food, styles the food and takes stunning images of the food he has created and styled. He uses Sony DSLR, Sony A100, Sony A550 and Sony A77 (mated to a Carl Zeiss 24-70 f2.8 lens) cameras to capture his work. Matsumoto licenses his photos for both commercial and non-commercial uses.

3. Defendant JIN28 CS INC. (“JIN28”) is a restaurant located in Carol Stream, IL, serving Japanese, Chinese and Thai cuisine. It offers fine dine room, carry out and delivery

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services. At all times relevant herein, JIN28 owned and operated the internet website located at the URL www.jin28carolstream.com (the “Website”).

4. Matsumoto alleges that JIN28 copied Matsumoto's copyrighted Work from the internet in order to advertise, market and promote its business activities. JIN28 committed the violations alleged in connection with JIN28's business for purposes of advertising and promoting sales to the public in the course and scope of the JIN28's business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Illinois.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. JIN28 CS Inc. is an Illinois Corporation, with its principal place of business at 604 East North Avenue, Carol Stream, IL 60188 and can be served by serving its Registered Agent, Jin Liang Chen, 3039 S Stewart Avenue, Chicago, IL 60616.

THE COPYRIGHTED WORK AT ISSUE

10. In 2013, Matsumoto created the photograph entitled “vegan-goyza-9.jpg”, which is shown below and referred to herein as the “Work”.



11. Matsumoto registered the Work with the Register of Copyrights on April 3, 2014 and was assigned the registration number VA 1-908-799. The Certificate of Registration is attached hereto as Exhibit 1.

12. Matsumoto's Work is protected by copyright but is not otherwise confidential, proprietary, or trade secrets.

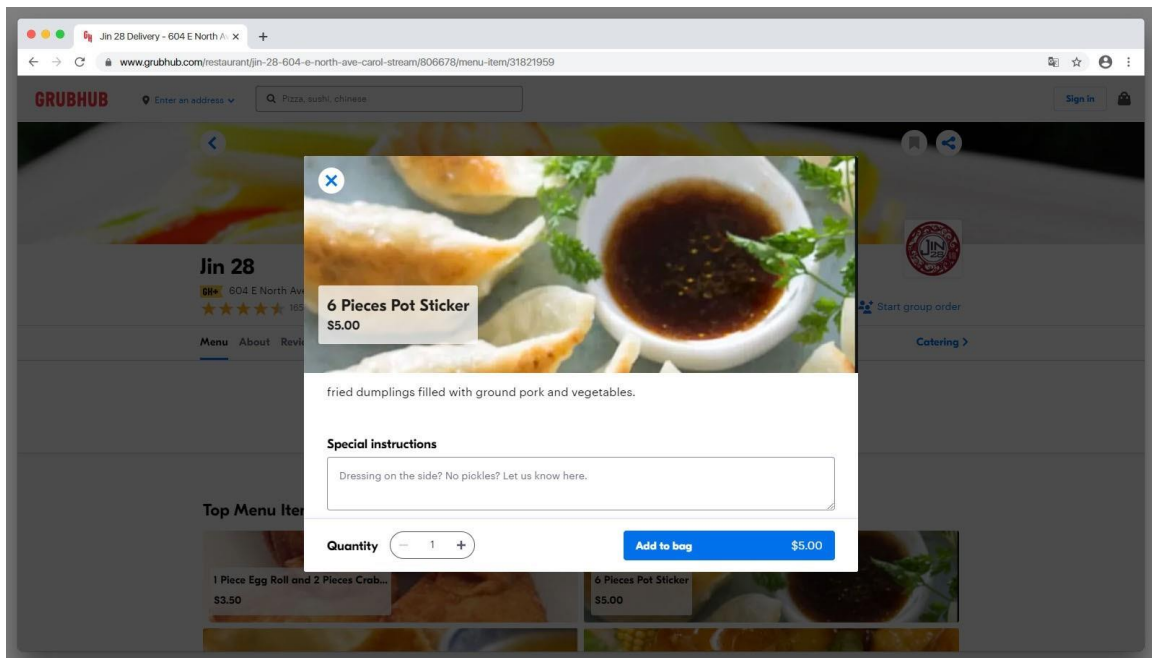
13. At all relevant times Matsumoto was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

14. JIN28 has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, JIN28 copied the Work.

16. On or about March 17, 2020, Matsumoto discovered the unauthorized use of his Work on the American online and mobile prepared food ordering and delivery platform – Grubhub.Inc. A representative example of one of the images from the Grubhub.Inc website using the Work is shown in part here:



17. JIN28 copied Matsumoto's copyrighted Work without Matsumoto's permission.

18. After JIN28 copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its restaurant business.

19. JIN28 copied and distributed Matsumoto's copyrighted Work in connection with JIN28's business for purposes of advertising and promoting JIN28's business, and in the course and scope of advertising and selling products and services.

20. Matsumoto's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. JIN28 committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

22. Matsumoto never gave JIN28 permission or authority to copy, distribute or display the Work at issue in this case.

23. Matsumoto notified JIN28 of the allegations set forth herein on November 15, 2022 and December 2, 2022. To date, JIN28 has failed to respond to Plaintiff's Notices.

24. When JIN28 copied and displayed the Work at issue in this case, JIN28 removed Matsumoto's copyright management information from the Work.

25. Matsumoto never gave JIN28 permission or authority to remove copyright management information from the Work at issue in this case.

COUNT I COPYRIGHT INFRINGEMENT

26. Matsumoto incorporates the allegations of paragraphs 1 through 25 of this Complaint as if fully set forth herein.

27. Matsumoto owns a valid copyright in the Work at issue in this case.

28. Matsumoto registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

29. JIN28 copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Matsumoto's authorization in violation of 17 U.S.C. § 501.

30. JIN28 performed the acts alleged in the course and scope of its business activities.
31. JIN28's acts were willful.
32. Matsumoto has been damaged.
33. The harm caused to Matsumoto has been irreparable.

WHEREFORE, the Plaintiff Shoichi Matsumoto prays for judgment against the Defendant JIN28 CS Inc. that:

- a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;
- b. Defendant be required to pay Plaintiff his actual damages and JIN28's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;
- c. Plaintiff be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;
- d. Plaintiff be awarded pre- and post-judgment interest; and
- e. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: March 17, 2023

Respectfully submitted,

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